

REMARKS

The application has been carefully reviewed in light of the Office Action dated October 9, 2003 (Paper No. 6). Claims 1 to 16 are in the application, of which Claims 1, 5, 6, 9 and 12 are independent. Claims 1 to 10 are being amended and Claims 11 to 16 are being added herein.

By the Office Action, Claims 1 to 10 were rejected over U.S. Patent 5,852,713 (Shannon). In addition, Claims 1 to 10 were rejected under the judicially-created doctrine of obviousness-type double patenting over Claims 1 to 6 of U.S. Publication No. 2002/0059155 (Takata). Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 defines a storage medium for storing management software for managing software, the management software comprises a step of restoring a management state of the managed software. The management state comprises variable data, the value of which is changed in accordance with usage of the managed software.

Shannon is not seen to disclose or to suggest the features of restoring a management state of managed software, the management state comprises variable data, the value of which changes in accordance with usage of the managed software.

Shannon is seen to describe a backup method, by which information stored on a hard disk of a personal computer is backed up on a hard disk of a server. (See Shannon, Abstract and col. 2, lines 56 to 67) Shannon describes restoring information backed up at the server on the personal computer. However, this is not seen to be the same as restoring a management state for managing software. In addition, nothing in Shannon is

seen to disclose or to suggest restoring a variable data value of a management state for managed software, which is changed in accordance with usage of the managed software.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 5, 6 and 9 are believed to be in condition for allowance for at least the same reasons.

With regard to the rejection based on obvious-type double patenting, Claims 1 to 6 of the present application include the features of restoring a management state of managed software, the management state comprising variable data, a value of which is changed in accordance with usage of the managed software. Applicant submits that the identified features are not an obvious variation of Claims 1 to 6 of Takata. Accordingly, Applicant submits that Claims 1 to 6 presented herein are believed to be patentable over Takata.

New Claim 12 defines a host apparatus for communicating with an information processing apparatus, which has a means for restoring a management state of management software for managing software, means for connecting to a predetermined site to receive the management state of the management software by the restoring means. The host apparatus, which is used to restore the management state of the management software, comprises a means for transmitting information for use in restoring the management state of the management software in response to a request from the information processing apparatus. The management state has variable data, a value of which is changed in accordance with usage of the application software.

In view of the above discussion, Claim 12 is believed to be patentable over Shannon and Takata.

The remaining claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Accordingly, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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